

**REMARKS**

The Office Action dated July 9, 2008 has been received and carefully noted. The above amendments and the following remarks are being submitted as a full and complete response thereto. Claims 1 and 2 are pending. By this Amendment, Claims 1 and 2 are amended. Applicants respectfully submit that no new matter is presented herein. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claims 1 and 2 are amended to correct informalities. Accordingly, Applicants respectfully submit that no new matter is added and that the claims have not been narrowed.

**Claim Rejections -- 35 U.S.C. 102/103**

Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by PCT Patent Publication No. WO 2004/085827 to Akabane et al. (Akabane). Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akabane. Applicants respectfully traverse these rejections for the following reasons.

Akabane does not qualify as a proper reference under 35 U.S.C. 102(a) because the invention claimed was not "described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent." That is, Akabane does not describe the invention in a printed publication before the invention thereof. Akabane has a publication date on October 7, 2004, which is after the invention date of the present application of February 27, 2004. Therefore, Akabane was not published prior to the invention date of the present application. A proper claim to priority and certified

copy of the priority application have been filed and acknowledged. Attached is a verified translation of the priority application dated February 27, 2004.

Moreover, the Akabane reference does not qualify as a publication by others. The inventor and Applicant of the Akabane reference is Akira Akabane and Keihn Corporation, respectively. The inventor of the present application is Akira Akabane and the assignee is Keihn Corporation. Therefore, since the inventor and the Applicant of the Akabane are the same as the present application, the applied reference is not "by others."

For the above reasons, it is respectfully submitted that the Akabane reference does not qualify as a proper reference under 35 U.S.C. 102(a). Accordingly, Applicants respectfully submit independent claim 1 should be deemed allowable over Akabane.

Claim 2 depends from claim 1. It is respectfully submitted that claim 2 be deemed allowable for the same reasons claim 1 is allowable, as well as for the additional subject matter recited therein.


### **Conclusion**

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejections, allowance of Claims 1 and 2, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing attorney docket number 107348-00595.**

Respectfully submitted,



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